

REMARKS

The present amendment is submitted in response to the Office Action dated August 21, 2009, which set a three-month period for response, making this amendment due by November 21, 2009.

Claims 1-6 and 8-11 are pending in this application.

In the Office Action, claims 1-11 were rejected under 35 U.S.C. 102(b) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,595,305 to Dunn et al.

To more clearly define the present invention over the cited reference to Dunn, claim 1 has been amended to add the features of claim 7, which was canceled, as well as to clarify that the extension V defines a dividing line between the first free face section 10a and the second free face section 10b.

According to paragraph [0024] of the present application, an extension V defines indirectly a dividing line/point between the first free face section 10a and the second free face section 10b:

[0024] Fourth, fifth and sixth embodiments of cutting element 3 for a drilling tool according to the present invention are shown in Figs. 6 through 8. The aspect shared by these three embodiments is the fact that a first free face section 10a defines a convex polygon outline 15. Sections 16, 17 of convex polygon 15 have different free face angles α_{11} and α_{12} . With all three embodiments, an extension V of second free face section 10b intersects cutting element 3 and cutting face 6 below a cutting edge 11 at a point of intersection SP. Vertical height H of rib 14 is indicated in Fig. 8. Vertical height H is defined as a distance between planes 3 and P, with which longitudinal axis L are perpendicular and which intersect a cutting edge 1 and the transition from first free face section 10a into a second free face section 10b.


In paragraph [0025], a further description of the extension V with respect to the ribs shown in Figs. 9 to 14 is provided. Further, the vertical height H of the rib 14 is defined as distance H between the planes E and P (recited in claim 9), which are oriented perpendicular to the axis L, which the plane P, as shown in Figs. 4, 5, and 8, cuts the cutting element 3, where the extension V penetrates the cutting element 3.

Amended claim 1 now includes the feature of the extension V in order to define the intersection between the first free face section 10a and the second free face section 10b. This definition of the border between the first free face section and the second free face section is NOT disclosed or suggested by Dunn.

Because Dunn does not disclose or suggest all of the features of amended claim 1, the rejections under Section 102 and 103 must be withdrawn. Dunn can be an appropriate reference either under, MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in Applicant's claim, or under MPEP section 2143.03, since not all of Applicant's claim limitations are taught or suggested.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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